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OFFICE OF PETITIONS

In re Application of :
Burgener, et al. :
Application No. 10/658,154 : **DECISION ON PETITION UNDER**
Application Filing Date: September 8, 2003 : **37 CFR 1.137(f)**
Attorney Docket No. PER-005-PAP

This is a decision on the petition under 37 CFR 1.137(f), filed January 8, 2007, to revive the instant non-provisional application.

The petition under 37 CFR 1.137(f) is granted.

This application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty¹; (2) the petition fee as set forth in 37 CFR 1.17(m), and (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition is found in compliance with 37 CFR 1.137(f).

Accordingly, the failure to timely notify the Office of a foreign filing within 45 days as provided by 35 U.S.C. § 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

The application file is being directed to Technology Center 2800, GAU 2816 for further processing.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ The filing of a petition under this section will not relieve applicant of his obligation to reply to any outstanding Office action.